

Customer Number: 000959

DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM
UNDER RULE 1.53(b) (former Rule 1.60)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/534,432	PRIOR APPLICATION FILING DATE: MARCH 23, 2000
TMI-032CN2	CLASS:	SUBCLASS:	EXAMINER:	ART UNIT: 1643

COMMISSIONER FOR PATENTS
 BOX PATENT APPLICATION
 WASHINGTON, DC 20231

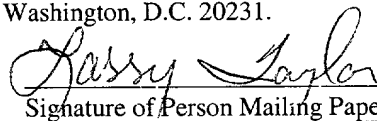
CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: December 22, 2000Mailing Label Number: EL 589 739 496 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Larry Taylor

Name of Person Mailing Paper



Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application no. 09/534,432 filed on March 23, 2000, of Michael J. Lane, Albert S. Benight and Brian D. Faldas entitled Methods and Compositions for Modulating "Marginally Indiscriminant" Hybridizations, which is a continuation of application no. 09/366,085, filed on August 3, 1999, claiming priority under U.S.C. 119(e) to U.S. provisional application no. 60/095,313 filed August 4, 1998.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
- ☒ 22 page(s) of specification
 - ☒ 12 page(s) of claims
 - ☒ 1 page(s) of abstract
 - ☒ 10 sheet(s) of drawing
 - ☒ 6 page(s) of declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/534,432 as originally filed on March 23, 2000.

2. ☒ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 1	MINUS	** 20	0
INDEP	* 1	MINUS	*** 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY

RATE	FEE
x 9 =	\$ 0 00
x 39 =	\$ 0 00
+130 =	\$ 00
BASIC FEE	\$345.00
TOTAL	\$345 00

OR

OTHER THAN A SMALL ENTITY

RATE	FEE
x 18 =	\$.00
x 78 =	\$.00
+ 260 =	\$.00
BASIC FEE	\$ 00
TOTAL	\$0 00

OR

4. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
5. ☒ **THE FILING FEE IS NOT PAID AT THIS TIME.**
6. ☒ Cancel in this application original claims 2-46 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by inserting before the first line the sentences. "This application is a continuation of U.S. Patent Application No. 09/534,432, filed on March 23, 2000, which is a continuation of U.S. Patent Application No. 09/366,085 filed on August 3, 1999. The contents of all of the aforementioned application(s) are hereby incorporated by reference."
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☒ Transfer the drawings from the pending prior application to this application.
11. ☐ Priority of application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
- ☐ The certified copy has been filed in prior application serial no. _____ filed on _____.
 - ☐ The certified copy will follow.
12. ☒ The prior application is assigned of record to Tm Technologies, Inc.
13. ☒ A 5 month extension of time has been submitted in the parent application No. 09/534,432 in order to establish copendency with the present application. A copy of the request for extension of time and payment of the retention fee under Rule 21(l) are enclosed.
14. ☐ Also enclosed is/are copy of extension of time filed in the prior application; copy of payment of retention fee.
15. ☐ The power of attorney in the prior application is to _____.
- a. ☐ The power appears in the original papers in the prior application.
 - b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. ☐ A new power has been executed and is attached.
16. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Giulio A. DeConti, Jr. at **Customer Number: 000959** whose address is:

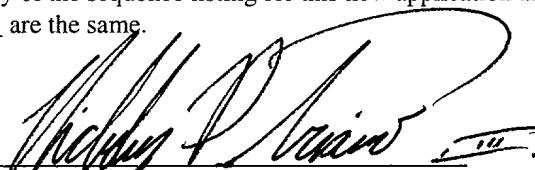
Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

17. ☐ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.

18. ☐ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application no. _____. Please use the computer readable form of application no. _____ in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application no. _____ are the same.

December 22, 2000
Date

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Nicholas P. Triano, III

Reg. No. 36,397

☐ inventor(s) ☐ filed under §1.34(a)

☐ assignee of complete interest

☒ attorney or agent of record